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09/880,103

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Itzik Ben-Bassat

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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

03/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/880,103

Applicant(s)

BEN-BASSAT ET AL.

Examiner

Son P. Huynh

Art Unit

2623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 04 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 13-16, 18, 24-26 and 34.  
Claim(s) withdrawn from consideration: 1-11 and 34-41.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.



**CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**

Applicant argues support for claim 15, lines 6-12, "a receiver portion... and including a programmable frequency synthesizer and programmable modulator for allowing a transmission/reception frequency and modulation to be selectively modified by the personal computer" are disclosed on page 13, lines 14-18 (page 5, paragraphs 3-4). This argument is respectfully traversed. First of all, page 13, lines 14-18 does not disclose "synthesizer 14...", but instead, "synthesizer 14..." is on page 12, lines 11-16. Second, Applicant has elected figure 5 as indicated in the "Response to election/restriction filed" dated 7/31/2006, while the section on page 12, lines 11-16 describes figure 2.

Third, Figure 5 describes transmitter card 107 comprises synthesizer 14, modulator 40 and the receiver card 105 comprises tuner, demodulator, decoder, CPU, RAM, USB I/F (see figure 5, page 16, paragraph 3). Figure 5 does not support "a receiver portion...further including a programmable frequency synthesizer and programmable modulator for allowing..." as claimed.

Fourth, page 3, paragraph 2 merely describes signals are modulated by a key modulator, having a modulation scheme that is user-selectable according to any standard modulation system, under control of the PC. This section neither discloses the receiver portion further including a programmable frequency synthesizer and programmable modulator for allowing a transmission/reception frequency ..."

Therefore, the specification and figure 5 does not support the limitation "a receiving portion... further including a programmable frequency synthesizer and programmable modulator for allowing a transmission/reception frequency and modulation to be selectively modified by the personal computer" as claimed.

Applicant also argues as shown in Fig. 2, the satellite..., Applicant further argues there is no teaching or suggestion of an external power source as claimed. Bukhari seems to indicate that the power source is contained inside the IDU (page 6, paragraph 2-page 7, paragraph 1). These arguments are respectfully traversed.

Again, Applicant has elected figure 5 for examination as discussed above. Claims 13-14, and 25 recites "...the transceiver including a satellite antenna interface for coupling an external power supply to an external power supply to an external satellite antenna amplifier via a connection which transmits radio frequency signals" (see claim 13, lines 7-9). Thus, claim 13 does not recite the "external power supply" is external of any specific device, (e.g., ODU, IDU, or antenna, etc.).

Thus, the limitation "the transceiver including a satellite antenna interface for coupling an external power supply to an external power supply to an external satellite antenna amplifier via a connection which transmits radio frequency signals" is broadly interpreted as IDU 24 including an interface to cable 26 for coupling DC power supply (external to amplifier 36) to amplifier 36 in the ODU 22 via cable 26 which transmits upstream and downstream signal to and from the satellite to the user - see figure 1-2, col. 3, line 8-col. 4, line 42).

Applicant further argues Carhart does not teach or suggest a transmitter portion and a receiver portion that are connected as claimed. Carhart further does not teach that the receiving portion includes a programmable frequency synthesizer and programmable modulator for allowing...; Dinwiddie does not teach or suggest separate transmitter and receiver portions in an external box... (See page 7, paragraph 2-page 8, paragraph 3).

In response to applicant's arguments against the references individually above, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, rejections are based on combinations of Carhart with the teaching of Dinwiddie and the teaching of Seta. Particularly, Carhart discloses a transceiver card (external interface card 26) for a personal computer (computing apparatus 21); the transceiver card comprises transmitter portion that resides in a box external to the computer...(component or transmitter, that resides in external card 26 for transmitting upstream signal to external network...), and receiver portion that resides in the external network... (see discussion on page 7 and page 8 of Office Action mailed 10/18/2006). Thus, the transmitter portion and receiver portion in an external box is already disclosed by Carhart. The teaching of "receiver portion includes a programmable frequency synthesizer and programmable modulator for allowing a transmission/reception frequency and modulation to be selectively modified by the personal computer (see discussion on the bridge paragraph of pages 8-9 of the Office Action dated 10/18/2006). The Examiner relies on Seta for the teaching of synchronizing signal is conveyed from the receiver portion and the transmitter portion via the auxiliary bus (see discussion on page 9, paragraph 2 of the Office Action dated 10/18/2006).

Therefore, the Carhart in view of the teachings in Dinwiddie's reference and Seta's reference discloses the limitations as claimed in claims 15-16, 18-24 (see discussion on page 7-10 of the Office Action dated 10/18/2006

For the reasons given above, rejections on claims 13-16, 18, 24-26, and 31 are maintained as discussed in the Office Action, dated 10/18/2006..